

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN L. CALVERT,

CV. 07-1466-JE

Plaintiff,

ORDER

v.

WARDEN J.E. THOMAS,

Defendant.

JELDERKS, Magistrate Judge.

Currently before the court is plaintiff's Motion for Default Judgment (#17). Construed liberally, plaintiff asks the court to issue an order of default based on defendant's failure to timely respond to the his civil rights Complaint. The court has examined the file, and it appears that the service of process was not effected in accord with Fed. R. Civ. P. 4(i) which governs service of process with respect to the United States and its employees. It is therefore ORDERED that plaintiff's Motion (#17) is DENIED on the basis that defendant has not been properly served.

The Clerk of Court is DIRECTED to schedule a telephone conference with plaintiff and an Assistant United States Attorney from the Portland Division who routinely handles federal prisoner civil rights cases. During this telephone conference, the court intends to discuss service of process in such cases.

IT IS SO ORDERED.

DATED this 2nd day of July, 2008.

/s/ John Jelderks

John Jelderks

United States Magistrate Judge